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SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1930

No. 552

WILLIAM W. McBOYLE, PETITIONER,

v.

THE UNITED STATES OF AMERICA.

ON WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE TENTH CIRCUIT.

MEMORANDUM GIVING EXTRACTS FROM FEDERAL STATUTES (TAKEN FROM U. S. CODE) SUBMITTED BY PETITIONER PURSUANT TO CONSENT OF COURT, FEBRUARY 27, 1931.

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The Code of the Laws of the United States of America.

* * * * * * *

Sixty-ninth Congress.

AN ACT

To consolidate, codify, and set forth the general and permanent laws of the United States in force December seventh, one thousand nine hundred and twenty-five.

* * * * * * *

SEC. 2. In all courts, tribunals, and public offices of the United States, at home or abroad, of the District

of Columbia, and of each State, Territory, or insular possession of the United States—

(*a*) The matter set forth in the Code, evidenced as hereinafter in this section provided, shall establish *prima facie* the laws of the United States, general and permanent in their nature, *in force on the seventh day of December*, 1925; but nothing in this act shall be construed as repealing or amending any such law, or as enacting as new law any matter contained in the Code. * * * (Preface to U. S. Code, page 1).

The Code of Laws of the United States of America.

TITLE 1.—GENERAL PROVISIONS.

Chapter 1. *Rules of Construction*—

* * * * * * *

3. "Vessel" as including all means of water transporation.—The word "vessel" includes every description of water craft or other artificial contrivance used, or capable of being used, as a means of transportation on water (R. S. #3).

4. "Vehicle" as including all means of land transportation.—The word "vehicle" includes every description of carriage or other artificial contrivance used, or capable of being used, as a means of transportation on land (R. S. #4) (Title 1, Sections 3 and 4, U. S. Code).

TITLE 5.—EXECUTIVE DEPARTMENTS AND GOVERNMENT OFFICERS AND EMPLOYEES.

SECTION 77. *Restrictions on Payment of Expenses of Carriages or Vehicles for Personal or Official Use.*—

No part of any money appropriated by any Act shall be used for purchasing, maintaining, driving or operating any *carriage or vehicle* (other than those for the use of the President of the United States, the heads of departments * * * and all such *carriages and vehicles* so procured and used for official purposes shall have conspicuously painted thereon * * * (Title 5, Sec. 77, U. S. Code).

TITLE 5, SECTION 547.

Exchange of Motor-propelled Vehicles.—The Secretary of Agriculture may exchange motor-propelled and horse-drawn vehicles and boats in part payment for new motor-propelled or horse-drawn passenger carrying vehicles authorized to be purchased by him, to be used for the same purposes * * *. The Secretary of Agriculture may also exchange used parts, accessories, tires, or equipment of motor-propelled and horse-drawn vehicles in part payment for new parts, accessories, tires or equipment of such vehicles authorized to be purchased by him. * * * (Title 5, U. S. Code, Sec. 547).

TITLE 8. ALIENS AND CITIZENSHIP.

SEC. 118. *Motor Vehicles for Enforcement of Immigration and Chinese Exclusion Laws.*—The purchase, exchange, use, maintenance, and operation of *motor vehicles*, and allowances for horses, including *motor vehicles* and horses owned by immigration officers

when used on official business required in the enforcement of the immigration and Chinese exclusion laws * * * may be contracted for, etc. * * * (Title 8, U. S. Code, Sec. 118).

TITLE 10. ARMY—EXCHANGE AND INTERCHANGE OF PROPERTY.

SEC. 1272. *Motor Vehicles, Aircraft, etc.*—Subject to the approval of the Secretary of War, *motor-propelled vehicles, airplanes,* engines, parts thereof, * * * may be exchanged in part payment for new equipment of the same or similar character to be used, * * * (U. S. Code, Title 10, Sec. 1272).

TITLE 23. HIGHWAYS.

SEC. 51. *Transfer of Motor-propelled Vehicles and Equipment Belonging to Military Establishment to Department of Agriculture; Purposes of.*—The Secretary of War is authorized and directed to transfer such motor-propelled vehicles and motor equipment, including spare parts, * * * to the Department of Agriculture for use in the improvement of highways * * *.

SEC. 51-1. *Purchase of Vehicles to Replace Transferred Vehicles; Exchange of Vehicles.*—The Secretary of Agriculture is authorized to purchase from the funds provided for carrying out the provisions of the Federal Highway Act November 9, 1921, * * * not to exceed $40,000 for motor-pro-

pelled passenger-carrying vehicles to replace such vehicles transferred under authority of the Acts of February 28, 1919 * * * from the War Department and retained and used by the Secretary of Agriculture in the construction and maintenance of national forest roads or other roads * * * (Title 23, Sec. 51-1, U. S. Code).

TITLE 19. CUSTOMS DUTIES (TARIFF ACT, 1922).

Subtitle IV. Customs Administration. Administrative Provisions.

SEC. 231. *Definitions.*—When used in this subtitle—

(*a*) Vessel.—The word "vessel" includes every description of water craft or other contrivance used, or capable of being used, as a means of transportation in water, or in water and in air.

(*b*) Vehicle.—The word "vehicle" includes every description of carriage or other contrivance used, or capable of being used, as a means of transportation on land, or through the air (U. S. Code, Title 19, Sec. 231. See Amendment, 1930, as next quoted).

TARIFF ACT, 1930; ADMINISTRATIVE PROVISIONS.

Part 1, Definitions.

SEC. 401. *Miscellaneous.*—

When used in this title or in Part 1 of Title III—

(*a*) Vessel.—The word "vessel" includes every description of water craft or other contrivance used, or

capable of being used, as a means of transportation in water, *but does not include aircraft.*

(*b*) Vehicle.—The word "vehicle" includes every description of carriage or other contrivance used, or capable of being used, as a means of transportation on land, *but does not include aircraft* (Stat. of U. S. passed at Second Session of 71st Congress, 1929-1930, Part 1, page 708. [Sec. 401 of Title IV of Act]).

AIR COMMERCE ACT OF 1926.

176-7. *Application of Existing Laws Relating to Foreign Commerce;* * * *.—(*a*) The navigation and shipping laws of the United States, including any definition of "vessel" or "vehicle" found therein and including the rules for the prevention of collisions, shall not be construed to apply to seaplanes or other aircraft or to the navigation of vessels in relation to seaplanes or other aircraft (Title 49, U. S. Code, Sec. 176-7).

TITLE 39. THE POSTAL SERVICE.

SEC. 116. *Employees in Motor-vehicle Service; Classification; Salaries; Grades; Readjustment; Promotion;* * * *.—

Employees in the *motor-vehicle service* shall be classified as follows: * * *

General mechanics employed in the *motor-vehicle service* shall be promoted * * *.

Mechanic helpers employed in the *motor-vehicle service* shall receive a salary of $1600 per annum. * * *.

Driver mechanics employed in the *motor-vehicle service* shall be divided into five grades * * *.

Special mechanics, general mechanics, mechanics' helpers, driver mechanics, and *garagemen-drivers* in the *motor-vehicle service* shall be required to work not more than eight hours per day. * * * (Feb. 28, 1925, c. 368, #6, 43 Stat. 1060—U. S. Code, Title 39, Sec. 116).

Chapter 13, Air Mail (Sec. 461, Title 39).
Chapter 15, Railway Service.
(Above Act amended 1930.)